

Double Patenting


The Examiner has rejected Claims 1-29 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-52 of U.S. Patent No. 5,792,477 and unpatentable over claims 1-20 of U.S. Patent No. 5,916,598. Applicants submit herewith a Terminal Disclaimer to Obviate a Double Patenting Rejection Under 37 C.F.R. § 1.321(c) for U.S. Patent No. 5,792,477 and one for U.S. Patent No. 5,916,598, and a Certificate Under 37 C.F.R. § 3.73(b). The filing of a terminal disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870 (Fed. Cir. 1991) (the filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor an estoppel on the merits of the rejection); M.P.E.P. § 804.02.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,



Andrea G. Reister (Reg. No. 36,253)

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HOWREY SIMON ARNOLD & WHITE, LLP
Box No. 34
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2402
(202) 783-0800